

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

September 10, 2024

FROM

TOM BUNTON, County Counsel

SUBJECT

Publication Services Agreement and Addendum with LexisNexis, a division of RELX Inc., for Access to a Digital Library

RECOMMENDATION(S)

Approve Publication Services **Agreement No. 24-821** with LexisNexis, a division of RELX Inc., including the Addendum to the Agreement with LexisNexis specific for State and Local Governments, and includes non-standard terms, for a subscription to the LexisNexis digital library, electronic and print publications, and other digital materials, in the amount of \$35,246, for the period of October 1, 2024 through September 30, 2027.

(Presenter: Tom Bunton, County Counsel, 387-4617)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this Publication Services Agreement will not result in the use of additional Discretionary General Funding (Net County Cost). The total cost will not exceed \$33,502. Sufficient appropriation for the cost is included in the 2024-25 County Counsel budget (1710001000) and will be included in future recommended budgets, as necessary.

BACKGROUND INFORMATION

The LexisNexis, a division of RELX Inc. (LN) software subscription provides on-demand access to the LN digital library, electronic publications, and other online materials needed for legal research, reference materials, and providing professional services to County Counsel clients. The recommended action will allow the department to modernize the office and move from hard copy books, papers, and research materials to a digital online reference library.

The Digital Library and/or Multi-Year Print Agreement Addendum State and Local Government provides contract terms specific to governmental entities, and incorporates the Publication Services Agreement, which is LN's standard commercial contract (collectively, Agreement). The Agreement includes terms that differ from the standard County contract and omits certain County standard contract terms. LN is unwilling to negotiate these terms. The non-standard and missing terms include the following:

1. LN may assign the Agreement without notice to the County and without the County's approval.

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- The County standard contract requires that the County must approve any assignment of the contract.
 - Potential Impact: LN could assign the Agreement to a third party or business with which the County is legally prohibited from doing business due to issues of Federal debarment or suspension and conflict of interest, without the County's knowledge. Should this occur, the County could be out of compliance with the law until it becomes aware of the assignment and terminates the Agreement.
2. The Agreement does not require LN to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07 and 11-07SP.
- County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - Potential Impact: The County has no assurance that LN will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the total Agreement amount.

County Counsel recommends approval of the contract with LN, including the non-standard terms, to allow the Department to modernize the office and improve efficiency by moving from hard copy books, papers, and research materials to a digital online reference library and contribute to the County's goal to operate in a fiscally-responsible and business-like manner.

PROCUREMENT

County Policy 11-05 requires Board of Supervisors approval of the non-standard contract provisions discussed above. Vendor is the publisher of our existing print subscriptions and host the online versions as well. The Agreement will allow us to access the various publications in one place. The Purchasing Department concurs with the non-competitive justification based on the existing print services provider.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on August 2, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on September 9, 2024; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on August 14, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on August 20, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on August 23, 2024.

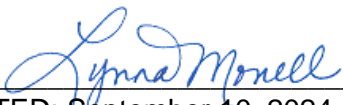
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 10, 2024



cc: Counsel - Magana w/agree
Contractor - c/o Counsel w/agree
File - w/agree
CCM 09/11/2024